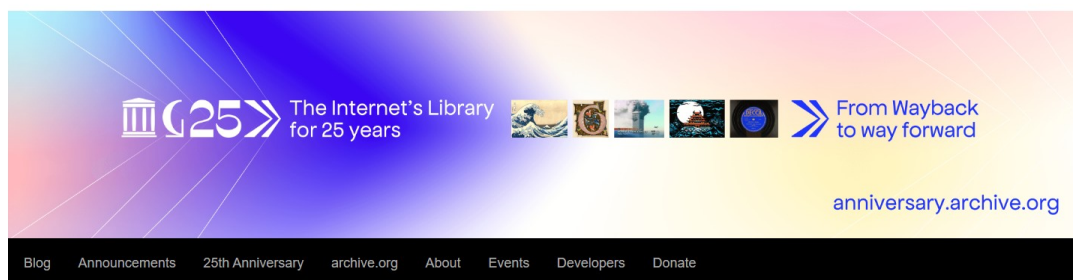


McNamara Declaration

Exhibit 181

Internet Archive Blogs

A blog from the team at archive.org



Temporary National Emergency Library to close 2 weeks early, returning to traditional controlled digital lending

Posted on June 10, 2020 by Brewster Kahle



Within a few days of the announcement that libraries, schools and colleges across the nation would be closing due to the COVID-19 global pandemic, we launched the temporary [National Emergency Library](#) to provide books to support emergency remote teaching, research activities, independent scholarship, and intellectual stimulation during the closures.

We have heard hundreds of stories from librarians, authors, parents, teachers, and students about how the NEL has filled an important gap during this crisis.

Ben S., a librarian from New Jersey, for example, told us that he used the NEL “to find basic life support manuals needed by frontline medical workers in the academic medical center I work at. Our physical collection was closed due to COVID-19 and the NEL allowed me to still make available needed health informational materials to our hospital patrons.” We are proud to aid frontline workers.

Today we are announcing the National Emergency Library will close on June 16th, rather than June 30th, returning to traditional controlled digital lending. We have learned that the vast majority of [people use digitized books](#) on the Internet Archive for a very short time. Even with the closure of the NEL, we will be able to serve most patrons through controlled digital lending, in part because of the good work of the non-profit HathiTrust Digital Library. HathiTrust’s new [Emergency Temporary Access Service](#) features a short-term access model that we plan to follow.

We moved up our schedule because, last Monday, four commercial publishers chose to sue Internet Archive during a global pandemic. However, this lawsuit is not just about the temporary National Emergency Library. The complaint attacks the concept of any library owning and lending digital books, challenging the very idea of what a library is in the digital world. This lawsuit stands in contrast to some academic publishers who initially expressed concerns about the NEL, but ultimately decided to [work with us](#) to provide access to people cut off from their physical schools and libraries. We hope that similar cooperation is possible here, and the publishers call off their costly assault.


 Search

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- [July Book Talk: The Library: A Fragile History](#)
- [Save our Safe Harbor, continued: Internet Archive Supports Libraries and Nonprofits in Submission to the Copyright Office](#)
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Temporary National Emergency Library to close 2 weeks early, returning to traditional controlled digital lending - Internet Archive Blogs
<https://blog.archive.org/2020/06/10/temporary-national-emergency-library-to-close-2-weeks-early-returning-to-traditional-controlled-digital-lending/>

Controlled digital lending is how many libraries have been providing access to digitized books for nine years. Controlled digital lending is a legal framework, developed by copyright experts, where one reader at a time can read a digitized copy of a legally owned library book. The digitized book is protected by the same digital protections that publishers use for the digital offerings on their own sites. Many libraries, including the Internet Archive, have adopted this system since 2011 to leverage their investments in older print books in an increasingly digital world.

We are now all Internet-bound and flooded with misinformation and disinformation—to fight these we all need access to books more than ever. To get there we need collaboration between libraries, authors, booksellers, and publishers.

Let's build a digital system that works.

Posted in [Announcements](#), [News](#) | Tagged [CDL](#), [NEL](#) | [51 Replies](#)

[← Four commercial publishers filed a complaint about the Internet Archive's lending of digitized books](#) [Impacts of the temporary National Emergency Library and controlled digital lending →](#)

51 thoughts on “Temporary National Emergency Library to close 2 weeks early, returning to traditional controlled digital lending”

Pingback: [Temporary National Emergency Library to Close 2 Weeks Early, Returning To Traditional Controlled Digital Lending](#), [LJ infoDOCKET](#)



Whitney B

June 10, 2020 at 5:37 pm

HathiTrust's model is based on library's owning a copy of the resource. Since IA doesn't have record of what library's own, could you please clarify exactly how your short-term model will work after June 16th? Thank you!

Pingback: [Internet Archive: Temporary National Emergency Library to close 2 weeks early – RightsTech Project](#)



Adam

June 10, 2020 at 7:26 pm

Phew. I was worried that copyright holders could be merciless.



Mark Bilby

June 10, 2020 at 8:36 pm

Related blog posts in support of the NEL and CDL:

<https://calschol.com/2020/06/08/claremont-school-of-theology-donates-250000-books-to-the-open-library/>
<https://calschol.com/2020/06/02/a-second-call-to-solidarity-with-the-national-emergency-library-time-for-a-boycott/>
<https://calschol.com/2020/05/06/in-defense-of-the-national-emergency-library-a-call-to-library-solidarity-and-partnership-with-the-internet-archive/>



Mark Bilby

June 10, 2020 at 8:41 pm

Related blog posts in support of the NEL and CDL:

<https://calschol.com/2020/06/08/claremont-school-of-theology-donates-250000-books-to-the-open-library/>
<https://calschol.com/2020/06/02/a-second-call-to-solidarity-with-the-national-emergency-library-time-for-a-boycott/>
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<https://blog.archive.org/2020/06/10/temporary-national-emergency-library-to-close-2-weeks-early-returning-to-traditional-controlled-digital-lending/>

Pingback: [Activists rally to save Internet Archive as lawsuit threatens site | Bitcoin news and cryptocurrency news aggregator.](#)



wall-street

June 10, 2020 at 11:11 pm

WOW! A million as gift? The bitcoin guy is insanely helpful.

Pingback: [Activists rally to save Internet Archive as lawsuit threatens site - KogoCrypto](#)

Pingback: [Activists rally to save Internet Archive as lawsuit threatens site - Geezwild](#)



Frances Grimbale

June 11, 2020 at 5:22 am

And, um, don't traditional libraries actually "pay" to lend copyrighted books as e-books? Instead of scanning without paying or getting permission?



Brewster Kahle Post author

June 11, 2020 at 5:39 am

Try reading about Controlled Digital Lending— it is an interesting and useful path forward— a path with many winners.

<https://controlleddigitallending.org/>



Edward Hasbrouck

June 11, 2020 at 7:03 pm

Dear Brewster:

We have read what you "say" about "Controlled Digital Lending". We've also looked at what you and the Internet Archive actually "do", and what you have publicly demonstrated, the heart of which is the unencrypted, uncontrolled "One Web Page for Every Page of Every Book", which has none of the purported "controls" described as part of CDL:

<https://nwu.org/what-is-the-internet-archive-doing-with-our-books/>

You say that the lawsuit by publishers "attacks the concept of any library owning and lending digital books". But that's not true. The lawsuit attacks the idea of making digital copies (first digital images of pages of printed books, then derivative e-books and audio files, then an additional copy for each reader or listener) without permission. "Lending" does not involve making copies, and is not implicated by this lawsuit or authors' objections to what your unauthorized copying.

Most rights to digital copying of works included in printed books, especially out-of-print books, are either held by authors (not publishers), or can be reverted from print publishers to authors on authors' request (although that process is much more difficult than it should be, and authors would welcome your support for reform of the reversion provisions of the Copyright Act).

If you don't like the terms offered by former print publishers of past print editions of books in which those works were included, and the rights to the digital copying you want to do are held (or could be) by authors, why keep complaining to print publishers rather than trying to work with authors?

You say that, "To get there we need collaboration between libraries, authors, booksellers, and publishers." But you chose to embark on "One Web Page for Every Page of Every Book" and your other projects for making and distributing unauthorized copies of our work without any collaboration with authors.

Authors have accompanied our critique of what the Internet Archive is doing with our works, and our call for dialogue, with a variety of specific proposals, including these:

<https://nwu.org/book-division/cdl/faq/#faq40>

We've also asked the Internet Archive specific questions about what the Internet Archive is doing to help us understand and assess how we might collaborate. But we've gotten no response to any of those proposals or questions. The unwillingness to collaborate has been entirely on the part of the Internet Archive. If you are now willing to work with us, that's good news, and we look forward to receiving your initial responses to the proposals we have made and the initial clarifying questions we have asked.

If you want to "build a digital system that works", you will need to start talking to authors about how to build a platform through which (A) authors can provide pointers to existing digital version of these works, and/or author contact info for those who want to license republication or other copying, and (B) authors who want to do so can offer to license the rights you want, with some menu of options for terms and prices. There are many details to work out, to make sure that the platform helps libraries and accommodates and doesn't interfere with the diversity of authors' existing business models. But negotiation between the Internet Archive, libraries, and authors is the only way to get what you want.

Yours in hope for genuine dialogue,

Edward Hasbrouck
 (Co-Chair, Book Division, National Writers Union)



[ایران نوا](#)

June 11, 2020 at 7:06 am

I was worried that copyright holders could be merciless.



pmdci

June 11, 2020 at 8:08 am

Giving up a little is a great concept — except when the charity is made with other people's property.

I never had any love for those publishing houses, but Internet Archive has no right to give away what isn't theirs to give away.

I DO think that copyright laws require some revision, but Internet Archive is always a step too far.



[بارسی موزیک](#)

June 11, 2020 at 9:26 am

In my opinion, the old libraries They have to pay a fee As a loan to e-books
 As someone who has read a lot of books, I've always been a fan of e-books



Don

June 11, 2020 at 2:47 pm

The best thing about IA is that it does not discriminate non-US citizens.

Hathitrust restricted books are only available via US-library or educational access.

<https://www.hathitrust.org/etas-approved-libraries>

Project Gutenberg has blocked Germany from viewing the Gutenberg web site.

IA is in fact the largest library that can be accessed from all over the world, exactly what the world needs.



Nemo

June 12, 2020 at 6:44 am

And exactly what publishers don't want, because they believe that copyright is a right to infinite market segmentation to maximise profits and reduce the general welfare as much as possible, as made clear in the text of their complaint. Too bad such a right is nowhere to be seen in any country's constitution.



Michael Capobianco

June 11, 2020 at 8:15 pm

There are many problems with that statement, but the fact is that the IA has never practiced Controlled Digital Lending and only uses that white paper as a distraction for what is has really been doing, even before the "National Emergency Library". <https://nww.org/what-is-the-internet-archive-doing-with-our-books/> Would CDL as defined in Brewster Kahle's link be okay with authors? That's a question for another time because it's not what they are doing, but one of the first things they should recognize is that not all books are the same, that there's no one size fits all model, and that authors have to be consulted with and believed about how their businesses are being hurt.



plz

June 11, 2020 at 9:31 pm

Please don't die archive.org dying would kill me



Andy Spencer

June 11, 2020 at 9:59 pm

Having looked at the search result for the latest offered english language titles at the Temporary National Emergency Library, which are from 2013, I would like to see the publishers demonstrate their commercial damages for these offered books.

In the first place I don't think the majority of these books are still for sale by the publishers. And judging from the titles and themes they will likely never be published again.

And in the second place I don't think any of these books still offered had any significant sales in 2020 leading up to the Corona crisis. The publishers should show sale figures for each of these titles for the two or three months preceding the Temporary National Emergency Library to substantiate their grievance.



Rafael

June 11, 2020 at 11:30 pm

A new york times article led me to Archive.org, and when I signed up I thought this is too good to be true. The majority of the books I've checked out are hard to find and not available at my local library. When I read a couple about the dissatisfied publishers and authors complaining about copyright infringement about a month ago, I knew it was only a matter of time before the corporate world would interfere with archive.org's benevolence.

The daily journal printed an article recently about the filed lawsuit and I was waiting to what the next step is. I sadden to hear that the digital libraries existence is being challenged.

I'll keep a vigilant eye and band with my fellow archive.org members in solidarity.



Roland

June 12, 2020 at 12:35 am

I've benefitted from the digital lending.

When I decided to try programming in Visual Basic for MS DOS, there were no online resources. The program was relevant for a short period of time and became quickly obsolete before the rise of the internet.

But lo and behold the internet archive had a how-to book that I could borrow. It was such a valuable resource. One I think my local library would not have had.

The one-at-a-time borrowing is fair, and I hope they drop the lawsuit. Or that if they don't, you fight it and help set a precedent.

What it's the point of preserving these texts if you can't share them with those who want to read them?



Goldwater Cheng

June 12, 2020 at 3:59 am

The Internet Archive has done the world an enormous favor by digitizing books, especially old, out-of-print books and making them accessible worldwide. As an avid reader living in Thailand (and traveling around Asia prior to COVID-19), I'm ever so grateful for its service.

The publishers' actions are denying readers around the globe access to printed books – books not digitized nor sold outside the USA. There would be no means of buying and having them shipped during a pandemic lockdown, when countries had sealed up borders and suspended international flights. I was beyond ecstatic when I found books I needed – digitized and available for loan – at the Open Library!

Those publishers who value profit more than universal and timeless access should also know that a vast number of their books simply aren't purchasable on Kindle or Google or Apple stores because they are not digitized. Driving Internet Archive into bankruptcy – for the sake of a few more dollars – helps ensure their respective name goes down poorly in posterity. Their actions against a visionary, historic effort deserve boycotts for generations to come. The writers who join them, however lofty their works yet distastefully penny wise – are no exception. I've decided not to buy or read their books from now.

And I would wholeheartedly join any petition to sustain and support the Internet Archive and Open Library. The COVID-infiltrated world now needs it more than ever before.



Melissa Finn

June 12, 2020 at 4:36 am

The NEL saved me and my research project at a critical time when my city's multiple university libraries shutdown and materials weren't available as e-books on any other archive that I could access. I am indebted to the NEL in providing the public with access to these materials during the Covid-19 shutdown. Thank you.

Pingback: [Internet Archive Calls For End to Publishers' Lawsuit, Announces Early Closure of Emergency Library * TorrentFreak](#)



icreate

June 12, 2020 at 10:57 am

We are now all Internet-bound and flooded with misinformation and disinformation—to fight these we all need access to books more than ever. To get there we need collaboration between libraries, authors, booksellers, and publishers.

That's true!!



LeGrange

June 12, 2020 at 3:52 pm

What worries me, and it worries a lot of us, is that you may have bet the company without any need or any compensating reward worth the risk. And that, regardless of your early cessation of the provocation, you may lose, and IA will be lost.

You had no need to take such a huge risk.



Charles Smyth

June 12, 2020 at 7:06 pm

Publishers are not flush with profits, so not unreasonably, look to get whatever returns are available. Many books are no longer in print, or are only available from a variety of commercial sources, and for which, the publisher and the author receive zero payment. The problem is that, due to technology, a traditional model is no longer viable for publishers and authors to

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depend upon.



Mitchell Golden

June 12, 2020 at 10:10 pm

Can you tell me if the publishers sent a cease and desist letter before suing? Did it just come out of the blue?



Kenneth Shartz

June 13, 2020 at 5:58 am

Does traditional controlled digital lending mean that we will still be able to access this collection, as long as someone else is not currently reading a book we want to read?



طراحى وب سایت

June 13, 2020 at 11:16 am

Thanks for the info

Books are very valuable and instructive



ايران نوا

June 13, 2020 at 11:33 am

HathiTrust's model is based on library's owning a copy of the resource. Since IA doesn't have record of what library's own, could you please clarify exactly how your short-term model will work after June 16th? Thank you!



Stacy

June 13, 2020 at 5:01 pm

The NEL was a lifeline during school and library closures this spring. Thank you for your hard work.



Sheila Page

June 14, 2020 at 10:50 am

It might be useful to tell your users about this, and not leave them to find out from NYT, etc. I have had nothing from you.



Sam

June 14, 2020 at 8:11 pm

Instead of demanding payment per book would a subscription model work where the Internet Archive pays the publishers an annual fee and can then lend their books?

I suppose the costs would be prohibitive.

The internet archive falling would be tragic.



JP

June 15, 2020 at 6:18 am

I love the fact that IA is non-discriminatory, that it is open to all and doesn't differentiate between citizens of the US and the world. What the NEL was doing was something great and am sorry to hear that it is closing 2 weeks earlier than planned. When people are suffering and dying through out the world, it seems mean that the publishers are worried about their profits. And these are not small, indie publishers but publishing giants whose business wasn't going to fold up in a matter of months. Sad.

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